



03-23-06

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Docket No.: DW0078 US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kim L. Walton et al.

Application No.: 10/674,311

Confirmation No.: 5253

Filed: September 30, 2003

Art Unit: 1713

For: RHEOLOGY-MODIFIED  
THERMOPLASTIC ELASTOMER  
COMPOSITIONS FOR EXTRUDED  
PROFILES

Examiner: P. D. Mulcahy

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and

03/24/2006 MBLANCO 00000015 041512 10674311  
01 FC:1806 180.00 DA

Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

A concise explanation of relevance of the items listed on form PTO/SB/08 is given.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Please charge our Deposit Account No. 04-1512 in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1512, under Order No. DW0078 US. A duplicate copy of this paper is enclosed.

Dated: March 22, 2006

Respectfully submitted,

By Jane M. Terry  
Jane M. Terry

Registration No.: 53,682  
THE DOW CHEMICAL CO.  
2030 Dow Center  
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(979) 238-3424



Application No. (if known): 10/674,311

Attorney Docket No.: DW0078 US

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV793092315US in an envelope addressed to:

MS Amendment  
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on March 22, 2006  
Date

*Monica Rubio*

Signature

Monica Rubio

Typed or printed name of person signing Certificate

Registration Number, if applicable

*979-238-2458*

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)  
IDS (Citation) by Applicant (51 References) (2 pages)  
Information Disclosure Statement (2 pages)  
~~Transmittal (1 page)~~  
Charge \$180.00 to deposit account 04-1512  
*Return Receipt Postcard*



PTO/SB/17 (01-06)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)  
180.00**Complete if Known**

Application Number 10/674,311

Filing Date September 30, 2003

First Named Inventor Kim L. Walton

Examiner Name P. D. Mulcahy

Art Unit 1713

Attorney Docket No. DW0078 US

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 04-1512 Deposit Account Name: The Dow Chemical Co.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)

Small Entity Fee (\$)

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
-	=	x	=

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
-	=	x	=

HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims**

Fee (\$)	Fee Paid (\$)
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**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement

Fees Paid (\$)

180.00

**SUBMITTED BY**

Signature	Jane M. Terry	Registration No. (Attorney/Agent)	53,682	Telephone	(979) 238-3424
Name (Print/Type)	Jane M. Terry	Date	March 22, 2006		



PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/674,311
				Filing Date	September 30, 2003
				First Named Inventor	Kim L. Walton
				Art Unit	1713
				Examiner Name	P. D. Mulcahy
				Attorney Docket Number	DW0078 US
Sheet	1	of	2		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA*	US-3,758,643	09-11-1973	Fischer	
	AB*	US-3,806,558	04-23-1974	Fischer	
	AC*	US-3,862,106	01-21-1975	Fischer	
	AD*	US-3,957,919	05-18-1976	Von Bodungen et al.	
	AE*	US-4,247,652	01-27-1981	Matsuda et al.	
	AF*	US-4,375,531	03-01-1983	Ross	
	AG*	US-4,379,888	04-12-1983	Yoshimura et al.	
	AH*	US-4,525,257	06-25-1985	Kurtz et al.	
	AI*	US-4,535,125	08-13-1985	McCullough, Jr.	
	AJ*	US-4,861,834	08-29-1989	Audureau et al.	
	AK*	US-4,985,502	01-15-1991	Izumi et al.	
	AL*	US-5,218,046	06-08-1993	Audureau et al.	
	AM*	US-5,290,886	03-01-1994	Ellul	
	AN*	US-5,308,699	05-03-1994	Hikasa et al.	
	AO*	US-5,308,700	05-03-1994	Hikasa et al.	
	AP*	US-5,334,663	08-02-1994	Audureau et al.	
	AQ*	US-5,338,801	08-16-1994	Eppert	
	AR*	US-5,384,366	01-24-1995	Paganelli	
	AS*	US-5,407,971	04-18-1995	Everaerts et al.	
	AT*	US-5,525,675	06-11-1996	Masuda et al.	
	AU*	US-5,639,818	06-17-1997	Lee et al.	
	AV*	US-5,650,468	07-22-1997	Vandevijver et al.	
	AW*	US-5,656,691	08-12-1997	Niki et al.	
	AX*	US-5,702,827	12-30-1997	Itoh et al.	
	AY*	US-5,728,744	03-17-1998	Okada et al.	
	AZ*	US-5,750,263	05-12-1998	Ngoc et al.	
	AA1*	US-5,750,600	05-12-1998	Nozokido et al.	
	AB1*	US-5,753,772	05-19-1998	Laurich et al.	
	AC1*	US-5,763,532	06-09-1998	Harrington et al.	
	AD1*	US-5,786,403	07-28-1998	Okada et al.	
	AE1*	US-5,837,787	11-17-1998	Harrington	
	AF1*	US-5,847,052	12-08-1998	Hamanaka et al.	
	AG1*	US-5,852,100	12-22-1998	Sadatoshi et al.	
	AH1*	US-5,929,127	07-27-1999	Raetzsch et al.	
	AI1*	US-5,952,396	09-14-1999	Chang	
	AJ1*	US-6,020,046	02-01-2000	Abhau	
	AK1*	US-6,114,486	09-05-2000	Rowland et al.	
	AL1*	US-6,143,829	11-07-2000	Babb et al.	
	AM1*	US-6,207,746	03-27-2001	Uchida et al.	
	AN1*	US-6,465,574	10-15-2002	Mulas et al.	
	AO1*	US-6,506,842	01-14-2003	Heck et al.	
	AP1*	US-6,765,058	07-20-2004	Novits et al.	
	AQ1*	US-20050176892-A1	08-11-2005	Weaver et al.	

Examiner Signature		Date Considered	
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Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
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				Examiner Name	P. D. Mulcahy
Sheet	2	of	2	Attorney Docket Number	DW0078 US

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	BA	EP-0312664-A1	04-26-1989	Societe Anonyme dite		
	BB	EP-0329288-A2	08-23-1989	Sumitomo Chemical Company		
	BC	EP-0838497-A1	04-29-1998	Mitsui Chemicals, Inc.		
	BD	GB-1192189	05-20-1970	Chemische Werke Huls Aktiengesellschaft		
	BE	WO-98/21275	05-22-1998	Exxon Chemical		
	BF	WO-98/32795	07-30-1998	Dupont Dow Elastomers		
	BG	WO-98/54260	12-03-1998	Exxon Chemical		
	BH	WO-2005/056670-A1	06-23-2005	Dupont Dow Elastomers		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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